

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:24-cv-00578-M

VIRGINIA WASSERBERG, NORTH )  
CAROLINA REPUBLICAN PARTY, and )  
REPUBLICAN NATIONAL COMMITTEE, )  
Plaintiffs, )  
v. )  
NORTH CAROLINA STATE BOARD OF )  
ELECTIONS, et al., )  
Defendants, )  
and )  
NORTH CAROLINA ALLIANCE FOR )  
RETIRED AMERICANS, )  
Intervenor-Defendant. )

**CONSENT MOTION FOR  
EXTENSION OF TIME TO REPLY  
TO PLAINTIFFS' RESPONSE  
TO DEFENDANTS' MOTION TO  
DISMISS**

**NOW COME** Defendants North Carolina State Board of Elections, et al., and Intervenor-Defendant North Carolina Alliance for Retired Americans, by and through undersigned counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1(a), to move this Court for an Order extending the time within which Defendants and Intervenor-Defendant have to reply to Plaintiffs' Response [DE 42] to Defendants' Motion to Dismiss Plaintiffs' Complaint [DE 21] by seven (7) days, up to and including December 11, 2024.

In support of this Motion, Defendants and Intervenor-Defendant show the following:

1. Plaintiffs filed their Complaint in this action on September 3, 2024, in the North Carolina General Court of Justice, Superior Court Division, Wake County. [DE 1-3].

2. Defendants removed this action to this Court on October 9, 2024, [DE 1], and subsequently filed and served Defendants' Motion to Dismiss Plaintiffs' Complaint on October 16, 2024. [DE 21].

3. On November 6, 2024, Intervenor-Defendant filed a Notice of Joinder to Defendants' Motion to Dismiss. [DE 41].

4. Plaintiffs moved the Court for an extension of time to respond to Defendants' Motion to Dismiss. The Court granted this request, and on November 20, 2024, Plaintiffs filed their Response to Defendants' Motion to Dismiss. [DE 42].

5. Defendants and Intervenor-Defendant have until December 4, 2024, to file a reply.

6. Given the press of other deadlines, the Thanksgiving holiday, and counsel and client unavailability before the filing deadline, undersigned counsel require additional time to prepare a reply brief.

7. Accordingly, Defendants and Intervenor-Defendant respectfully request an extension of 7 days to thoroughly consider the current status of this matter, the allegations made in the Complaint, and the arguments of counsel submitted in Plaintiffs' Response, to determine the appropriate response and prepare the same.

8. This is Defendants' and Intervenor-Defendant's first request for an extension of the deadline to reply to Plaintiffs' Response.

9. This motion is being made within the current deadline and is not being made for any improper purpose.

10. The undersigned believes that the extension of time is reasonable to accomplish the necessary steps described above.

11. The undersigned discussed this request with Plaintiffs' counsel. Plaintiffs have no objection to this motion.

12. A proposed order granting this Motion for Extension of Time is attached hereto.

WHEREFORE, Defendants and Intervenor-Defendant respectfully request the Court for an order extending the time within which to file a Reply to Plaintiffs' Response to Defendants' Motion to Dismiss up to and including December 11, 2024.

This the 27th day of November, 2024.

JOSHUA H. STEIN  
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for Intervenor-Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, the undersigned has electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send electronic notification of the filing to all counsel who have filed notices of appearance in this case.

This the 27th day of November, 2024.

/s/ Laura H. McHenry  
Laura H. McHenry  
Special Deputy Attorney General